

FILED

2019 DEC 31 AM 11:09

U.S. MAGISTRATE JUDGE

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.

2:19-mj-00969-~~VER~~
DJA

Plaintiff,

COMPLAINT for violation of:

v.

Operating a Vessel in a Negligent Manner
(36 C.F.R. § 3.8(b)(8));

MATTHEW MICHAEL HANSEN,

Failure to Maintain a Proper Lookout
(36 C.F.R. § 3.2(a), 33 C.F.R. 83.05);

Defendant.

Failure to follow Mandatory State Boater
Education Requirement
(36 C.F.R. § 3.6(c), N.R.S. 488.730(3))

BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
complainant, being first duly sworn, states that:

COUNT ONE

Operating a Vessel in a Negligent Manner
(36 C.F.R. § 3.8(b)(8))

On or about July 2, 2019, in the State and Federal District of Nevada, within the
boundaries of the Lake Mead National Recreation Area, MATTHEW MICHAEL
HANSEN, defendant herein, operated a 2018 Pontoon Boat bearing Nevada registration
NV2449LC, in a negligent manner, by failing to exercise that degree of care which a
reasonable person, under like circumstances, would demonstrate in order to prevent the
endangering of the life, limb, or property of a person through HANSEN's lack of

1 knowledge, inattention, or general carelessness, to wit: **HANSEN** was operating said vessel
2 and collided with an individual in the water who was identified as L.B., causing injury;
3 L.B. and other individuals were in the water attempting to push the vessel away from the
4 shoreline when **HANSEN** put the vessel under power and maneuvered in a manner which
5 caused the vessel propeller to strike L.B.; the vessel was a rental from the Las Vegas Boat
6 Harbor Marina and it was found that **HANSEN** was not the principle lessee, nor was he
7 listed on the lease agreement as an additional driver of the vessel; **HANSEN** had not
8 watched the boating safety video provided by the marina nor had he successfully completed
9 a course in safe boating as required under Nevada state law for a state resident of his age;
10 **HANSEN** stated that he had about 50-100 hours experience operating vessels however he
11 had not operated a vessel for about a year prior to the accident; **HANSEN** admitted that he
12 had never operated a pontoon boat; all in violation of Title 36, Code of Federal
13 Regulations, Section 3.8 (b)(8).

14 **COUNT TWO**

15 ***Failure to Maintain a Proper Lookout***
16 **(36 C.F.R. § 3.2(a); 33 C.F.R. § 83.05)**

17 That on or about July 2, 2019, in the State and Federal District of Nevada,
18 **MATTHEW MICHAEL HANSEN**, defendant herein, operated a 2018 Pontoon Boat
19 bearing Nevada registration NV2449LC, and failed to maintain a proper look-out by sight
20 and hearing as well as by all available means appropriate in the prevailing circumstances so
21 as to make a full appraisal of the situation and of the risk of collision, to wit: **HANSEN** was
22 operating said vessel and collided with an individual in the water who was identified as
23 L.B., causing injury; L.B. and other individuals were in the water attempting to push the
24 vessel away from the shoreline when **HANSEN** put the vessel under power and

1 maneuvered in a manner which caused the vessel propeller to strike L.B.; all in violation of
2 Title 36, Code of Federal Regulations, Section 3.2(a); Title 33, Code of Federal
3 Regulations, Section 83.05.

4 **COUNT THREE**

5 ***Failure to follow Mandatory State Boater Education Requirement***
6 **(36 C.F.R. § 3.6(c), N.R.S. 488.730(3))**

7 That on or about July 2, 2019, in the State and Federal District of Nevada, within
8 the boundaries of the Lake Mead National Recreation Area, **MATTHEW MICHAEL**
9 **HANSEN**, defendant herein, operated a 2018 Pontoon Boat bearing Nevada registration
10 NV2449LC, having not successfully completed a course in safe boating that is approved by
11 the National Association of State Boating Law Administrators nor passed any approved
12 proficiency examination, to wit: **HANSON** operated said vessel and was involved in an
13 accident; a standard computer records check confirmed that **HANSON** is a Nevada
14 resident and was born after January 1, 1983; **HANSON** admitted to rangers, who were
15 investigating the accident, that he had not completed a Boater Education Course as
16 required under Nevada law for anyone born on or after January 1, 1983; all in violation of
17 Title 36, Code of Federal Regulations, Section 3.6(c), and Nevada Revised Statute
18 488.730(3).

19 Complainant, as and for probable cause, states the following:

20 1. Complainant is a Park Ranger with the National Park Service, Lake Mead
21 National Recreation Area, Clark County, Nevada, and has been employed as a law
22 enforcement officer for over 20 years.

23 2. The following information is the result of either complainant's own personal
24 investigation or has been provided by other law enforcement officers:

1 (a) On July 2, 2019, National Park Service Rangers Charles Otto and
2 Jonathan Cummings were on routine patrol within the boundaries of the Lake Mead
3 National Recreation Area, Clark County, Nevada.

4 (b) Rangers Otto and Cummings responded to investigate a vessel
5 accident with injuries which occurred at Sandy Cove.

6 (c) Rangers Otto and Cummings arrived at Sandy Cove and located the
7 2018 Bennington Half Admiral 24'4" pontoon boat bearing Nevada registration
8 NV2449LC and hull identification number (HIN) ETWF92442D818. A standard computer
9 records check showed that the vessel was currently registered to the Las Vegas Boat Harbor
10 INC. It was a rental vessel from the Las Vegas Boat Harbor Marina.

11 (d) The injured party was identified as L.B., who received medical
12 attention for multiple lacerations to her body associated with being struck by a propeller.
13 She was transported by vessel to the Callville Bay Marina where she was transferred to a
14 medical helicopter and further transported to the University Medical Center in Las Vegas.

15 (e) Ranger Otto made contact with the vessel operator who was
16 identified as **MATTHEW MICHAEL HANSEN** through a valid Nevada driver's license
17 and a standard computer records check. In response to being asked whether he had
18 consumed any alcohol, **HANSEN** stated that he had "one drink" earlier in the day prior to
19 operating the vessel. **HANSEN** consented to provide a breath sample for a preliminary test
20 on a portable breath testing machine. The result of this test was .00 percent by weight of
21 alcohol.

22 (f) **HANSEN** admitted to operating the vessel at the time of the accident.
23 **HANSEN** stated that the vessel was parallel to the shoreline and the engine was "trimmed
24 up" meaning that it was lifted up out of the water. **HANSEN** said that the goal was to

1 "beach the boat." While HANSEN was operating the vessel there was a group of people in
2 the water attempting to push the vessel away from shore. HANSEN said that at one point
3 someone told him to lower the propeller. He then lowered the propeller into the water and
4 started the motor. HANSEN said that he heard someone say something like "all aboard,"
5 or "everyone on board." HANSEN stated that his intent was to operate the vessel out of
6 the cove and then come back into the cove and beach the vessel straight on to the shoreline.
7 HANSEN detailed the procedure to Ranger Otto, stating that he first lowered the engine
8 into the water and then started the engine which was in neutral while being pushed away
9 from shore. HANSEN stated that he then turned the steering wheel all the way to the right
10 and put the throttle at about $\frac{1}{4}$ power. The waves and wind started to push the vessel back
11 towards the rocks, so he put the engine at full throttle. HANSEN said when he heard
12 someone yell stop, he put the engine back into neutral.

13 (g) Along with the victim L.B., there were about eight other individuals
14 associated with the vessel who were either on board or in the water pushing it away from
15 the shoreline. One individual, identified as J.S., stated that he was in the water at about the
16 middle of the vessel on the port (left) side. He was attempting to push the vessel away from
17 the shoreline and L.B. was standing next to him closer to the bow (front) of the vessel. J.S.
18 stated that it appeared L.B. was sucked under the vessel and that he recalled her floating
19 past him at his feet. Another individual, identified as A.S., stated that he was in the water
20 near the stern (back) of the vessel on the port (left) side attempting to push the vessel away
21 from shore. A.S. said that the engine dropped into the water as the vessel was clear of the
22 people who were on the starboard (right) side. He stated that L.B. had been on the port
23 (left) and by the bow (front) of the vessel as they were pushing it away from shore. A.S.
24

1 stated that he next recalled seeing L.B. at the back of the vessel with her swimsuit stuck in
2 the propeller and he had to hold her head above water so she could breathe.

3 (h) On about July 3, 2019, Ranger Otto met with L.B. in the Intensive
4 Care Unit at the University Medical Center in Las Vegas. L.B. stated that she was standing
5 at the front of the vessel as they were attempting to push it away from shore. L.B. was
6 about waist deep in the water when she felt that she lost her footing. She remembered going
7 face first towards the engine but was able to spin around. She then remembered people
8 assisting her and providing medical care to her injuries.

9 (i) Ranger Otto's investigation found that **HANSEN** was not listed on
10 the boat rental agreement. He was not the principle lessee nor was he listed as one of the
11 additional drivers of the vessel. By signing the lease agreement, the principal lessee and any
12 additional drivers are stating that they have viewed the boating safety video provided by the
13 marina and will follow all boating regulations and will boat safely. An additional part of
14 the lease agreement is the boating education requirement affidavit. By signing the affidavit,
15 you are stating that you have met all boating education and other requirements of your
16 state or county of residence. **HANSEN's** name did not appear on this section of the rental
17 agreement either. **HANSEN** is a resident of Boulder City Nevada within Clark County.
18 **HANSEN** was born after January 1, 1983, and is required under Nevada state law (N.R.S.
19 488.730(3)) to have successfully completed a course in safe boating that is approved by the
20 National Association of State Boating Law Administrators in order to legally operate a
21 vessel.

22 (j) On July 5, 2019, Ranger Otto conducted a telephone interview with
23 **HANSEN**. **HANSEN** described himself as "kind of experienced" with boats. He grew up
24 around boats but had not been on a boat in about a year. He stated that in his lifetime he

1 had about 50 to 100 hours of boating experience. HANSEN stated that he had never
2 operated a pontoon boat and also stated that he did not have a boater's education card,
3 therefore had not completed the required safe boating course in Nevada.

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9 CHRIS RAYNOLDS, Park Ranger
National Park Service

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11 SUBSCRIBED and SWORN to before me
12 this 31st day of December, 2019.

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16 HONORABLE CAM FERENBACH
17 UNITED STATES MAGISTRATE JUDGE